

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

HYDE SCHOOL) STORMWATER MANAGEMENT LAW
Bath, Sagadahoc County)
BARN ADDITIONS) MODIFICATION
L-20527-NJ-B-M (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of the HYDE SCHOOL with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT HISTORY:

In Department Order #L-20527-NJ-A-N, dated May 23, 2001, the Department approved the stormwater management system for a family learning center at the Hyde School. The Hyde School is located on High Street in the City of Bath.

2. CURRENT PROJECT:

The applicant proposes to add two, 20-foot by 50-foot additions to an existing barn on the campus to increase the indoor recreational space at the school. This project, along with the previously approved learning center and two buildings constructed since 1997, will result in a total of approximately 1.16 acres of new impervious area on the 130-acre site. The proposed project is shown on a set of plans, the first of which is entitled "Hyde School, Barn Addition, Drainage Plan," prepared by Pinkham & Greer Consulting Engineers, and dated December 4, 2002. The project is located in the watershed of Whiskeag Creek, which is not designated Most at Risk from New Development in Chapter 502 of the Department's regulations and must therefore meet stormwater quantity standards only.

3. FINDING:

The Division of Watershed Management reviewed the proposed project and stated that the project meets the requirements of the Department's Stormwater Management Rules since the proposed project results in no change to the peak flow from the site or peak flow of the receiving waters based on the output from the HydroCad computer model.

Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-20527-NJ-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

The applicant has made adequate provision to ensure that the development will meet the stormwater quantity standards for: peak flow from the site and peak flow of the receiving waters.

THEREFORE, the Department APPROVES the above noted application of the HYDE SCHOOL to revise the stormwater management plan for two barn additions at the Hyde School in Bath, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-20527-NJ-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 6th DAY OF February, 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

Brooke E. Barnes
BROOKE E. BARNES, ACTING COMMISSIONER

A TRUE COPY

ATTEST:

David A. Van Wic
David A. Van Wic, Director
Bureau of Land & Water Quality

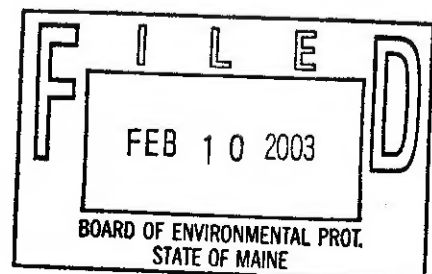
PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 12/05/2002

Date of application acceptance 12/23/2002

Date filed with Board of Environmental Protection

DBB/L20527BM



STORMWATER
STANDARD CONDITIONS

**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS
NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.**

Conditions of approval. The following conditions of approval apply to a stormwater permit (individual or permit by rule) required pursuant to 38 M.R.S.A. § 420-D.

1. Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.
2. Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
3. Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
4. Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
5. Initiation of project within two years. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
6. Reexamination after five years. If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.
7. Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.
8. Maintenance. The components of the stormwater management system must be adequately maintained to ensure reasonable operation of the system.

December 31, 1997

DEP LW 145

SAGadahoc COUNTY

Barbara J. Thott

Register of Deeds